

Appl. No. : 09/699,798  
Filed : October 30, 2000

## REMARKS

Applicant thanks the Examiner for the opportunity to discuss the application during the telephone interview on August 1, 2005.

### Amendments to the Specification

Two paragraphs have been modified to delete references to an unfiled patent application. Thus, no new matter has been presented by these amendments.

### Anticipation Rejection of Claims 1-16, 31-33, 35-36, and 38-40

The Examiner rejected Claims 1-16, 31-33, 35-36, and 38-40 under U.S.C. § 102(e) as being unpatentable over Gutfreund et al. (U.S. Patent No. 6,665,835). Applicant has amended independent claims 1, 9, 31, and 32 in order to more clearly point out that the output file, which includes references indicating synchronization points between a static media file and a streaming media file, is used *during presentation of the mixed-media presentation* to synchronize presentation of content from the static media file with content from the streaming media file. Thus, as distinct from the system described in Gutfreund, embedding time stamps within a streaming media file is not required.

For example, Claim 1 has been amended to recite “associating the static media file with a time marker and the streaming media file in an output file, and, after associating, providing the output file to a mixed-media presentation system, wherein the mixed-media presentation system accesses the output file to dynamically synchronize the static media file with the streaming media file while presenting the mixed-media presentation on a display device.”

Independent claims 9, 31, and 32 have been similarly amended.

The amendments are supported by the original specification and drawings. For example, with reference to FIGURES 6A and 6B, the disclosure states, “Content definition files 600 and 620 can also be dynamically used by a mixed-media presentation while such a presentation is being served back on a display device.” (See p.22, lines 2-4)

There is no suggestion in Gutfreund that his time stamp log can be or should be used or accessed during presentation of the mixed-media presentation to synchronize presentation of the

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content from a static media file with content from a streaming media file. In fact, Gutfreund clearly embeds time markers into a streaming content file. As stated by the Examiner with reference to Gutfreund, "The timestamps are indeed embedded into the output file (ASF)..." Accordingly, Gutfreund contains no teaching or suggestion to dynamically synchronize the static media file with the streaming media file while presenting the mixed-media presentation on a display device.

Applicant believes that independent Claims 1, 9, 31, and 32, as amended, are thus in condition for allowance. Claims 2-8, 10-16, 33, 35-36, and 38-40 are all dependent claims that depend from one of Claims 1, 9, 31, or 32, and are thus accordingly believed to be also in condition for allowance.

#### **Obviousness Rejections of Claims 17-18, 20-21, 23 and 34**

The Examiner rejected Claims 17-18, 20-21, 23 and 34 under U.S.C. § 103(a) as being unpatentable over Gutfreund (U.S. Patent No. 6,665,835) in view of Srinivasan, et al., U.S. Patent No. 6,357,042, filed on Jan 22, 1999 (hereinafter Srinivasan).

Independent Claim 17 has been amended to recite "associating synchronization points related to the streaming media file and the static media file with content definition file time markers in a content definition file, and presenting said mixed media presentation on a display device, wherein the mixed-media presentation is synchronized without altering the streaming media file."

Claim 21 has been amended to recite, "after associating, providing the output file to a mixed-media presentation system, wherein the mixed-media presentation system employs the output file to dynamically synchronize the static media file with the streaming media file while presenting the mixed-media presentation on a display device."

As noted above, the present application teaches the creation of mixed-media file presentations that allow static media to be synchronized with streaming media during presentation on a display device and without embedding markers or otherwise altering the streaming media file that is accessed during display of the mixed-media presentation. (See, for example, p.22, lines 2-4)

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Gutfreund does not teach using his time stamp log while presenting the mixed-media presentation or the ability to synchronize static and streaming media files during presentation on a display device without altering the streaming media file accessed during for the presentation. Thus, although the Examiner states that Srinivasan discloses a method in adding static metadata to a streaming media presentation can be accomplished by using a timestamp based on video frames, the combination of Gutfreund and Srinivasan does not teach each and every element of Claim 17 or Claim 21.

Claims 17 and 21 are thus believed to be in condition for allowance. Accordingly, Claims 18, 20, and 23 are also believed to be in condition for allowance, as is Claim 34, which depends from amended Claim 32, discussed above.

#### **Obviousness Rejection of Claim 37**

The Examiner rejected Claim 37 under U.S.C. § 103(a) as being obvious over Gutfreund in view of Microsoft Press Computer Dictionary, published 1997. Since Claim 37 depends from Claim 32, which, as amended, is believed to be in condition for allowance, Applicant believe that Claim 37 is now in condition to be allowed, notwithstanding the Microsoft disclosure of use of a markup languages to format electronic documents.

#### **New Claim**

Applicant has also added Claim 41 to better protect the subject matter of the application. Applicant submits that the amendment is fully supported by the application as filed (see, e.g. p. 27, lines 11-17). Accordingly, Applicant submits that the new claim adds no new matter, and is in condition for allowance.

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**Conclusion**

In view of the foregoing amendments and remarks, Applicant submits that this application, as amended, is in condition for allowance and such action is respectfully requested. If any issues remain or require further clarification, the Examiner is respectfully requested to call Applicant's agent at the number indicated below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: Aug. 2, 2005

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